

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)
)
)
v.)
)
)
MARLON JACKSON,)
)
) No. 00 CR 586-8
Defendant,)
)
) Judge Leinenweber
and)
)
NFI INTERACTIVE LOGISTICS, LLC,)
)
)
Third-Party Respondent.)

MOTION OF THE UNITED STATES FOR TURNOVER ORDER

The United States of America, by John R. Lausch, Jr., United States Attorney for the Northern District of Illinois, moves for a turnover order and in support states as follows:

1. The court entered a restitution judgment against defendant Marlon Jackson on January 31, 2002, in the amount of \$311,000. Dkt. 270. Jackson has not made a payment since October 23, 2003, and the judgment balance is \$156,392.89 as of October 5, 2021.
2. The United States may use any federal or state procedure to enforce the judgment. 18 U.S.C. §§ 3613(a) and (f). A citation to discover assets directed to the respondent, NFI Interactive Logistics, LLC, was issued on September 7, 2021, and a copy was mailed to Jackson on or before September 14, 2021. Dkt. 725, 726.
3. Third-party citation respondent NFI Interactive Logistics, LLC answered the citation on September 28, 2021. A copy of the answer is attached as Exhibit A. Jackson was served with a copy of the answer by NFI Interactive Logistics, LLC, as reflected in paragraph 9 of the answer. NFI Interactive Logistics, LLC stated in its answer that Jackson was an employee and

it had in its possession or under its control earnings belonging to Jackson at the time the citation was served. Based on NFI Interactive Logistics, LLC's answer, the United States is entitled to 25% of Jackson's disposable earnings, less any child support or court-ordered deduction, for each pay period since the citation was served and continuing each pay period until the debt is paid in full, or until NFI Interactive Logistics, LLC no longer has custody, possession, or control of any disposable earnings belonging to Jackson, or until further order of this court. 18 U.S.C. § 3613(a); 28 U.S.C. § 3205(c)(7).

4. The Clerk of the Court collects all payments on monetary penalties imposed in criminal cases; accordingly, all payments should have the defendant's name and "00 CR 586-8" written in the lower left corner of the check and be submitted to: Clerk of the Court; U.S. District Court, Northern District of Illinois; 219 South Dearborn Street, 20th Floor; Chicago, Illinois 60604.

5. The United States has provided all notices required by law.

WHEREFORE, the United States requests entry of a turnover order directing NFI Interactive Logistics, LLC to submit to the Clerk of the Court 25% of Jackson's disposable earnings, less any child support or prior court-ordered deduction, for each pay period since the

citation was served and continuing each pay period until the debt is paid in full or until NFI Interactive Logistics, LLC no longer has custody, possession, or control of any disposable earnings belonging to Jackson, or until further order of this court.

Respectfully submitted,

JOHN R. LAUSCH, Jr.
United States Attorney

By: s/ Beth A. Clukey
BETH A. CLUKEY
Assistant United States Attorney
219 South Dearborn Street
Chicago, Illinois 60604
312-613-3600
beth.clukey@usdoj.gov

Certificate of Service

The undersigned Assistant United States Attorney hereby certifies that, in accordance with Fed. R. Civ. P. 5, LR 5.5, and the General Order on Electronic Case Filing (ECF), the following document:

MOTION OF THE UNITED STATES FOR TURNOVER ORDER

was served pursuant to the district court's ECF system as to ECF filers, if any, and was sent by first-class mail on October 5, 2021, to the following non-ECF filers:

Marlon Jackson
900 Charles Street
Crete, Illinois 60417

NFI Interactive Logistics, LLC
c/o Illinois Corporation Service Company
801 Adlai Stevenson Drive
Springfield, Illinois 62703

s/ Beth A. Clukey
BETH A. CLUKEY
Assistant United States Attorney
219 South Dearborn Street
Chicago, Illinois 60604
312-613-3600
beth.clukey@usdoj.gov

EXHIBIT A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

United States of America)
)
)
)
 v.)
)
)
 Marlon Jackson,) No. 00 CR 586-8
)
)
 Defendant,)
)
)
 and) Judge Leinenweber
)
)
 NFI Interactive Logistics, LLC,)
)
)
 Third-Party Citation Respondent.)

ANSWER OF THIRD-PARTY CITATION RESPONDENT

I, Beryl Howard, the Payroll Clerk of Respondent, NFI Interactive Logistics
(name) (title)

state under penalty of perjury as follows:

Respondent is a Corp organized under the laws of the State of MO.
(sole proprietorship, partnership, corporation, government agency)

On 9-9-21, Respondent was served with the Third Party Citation to Discover Assets. With respect to Defendant, Marlon Jackson, on the day Respondent was served with the Citation, Respondent had in its possession or control the following property of Defendant:

1. Respondent employs Defendant.
(Employs - Employed - Never Employed)

If no longer employed, the last day of employment was:

State defendant's current employer, if known:

2. Defendant's pay period is: weekly. bi-weekly. semi-monthly. monthly.

Enter date present pay period began 8-29-21 and date it ends 9-4-21
(Present means the pay period in which the Citation was served).

3. Calculate wages subject to garnishment:

Please return to: United States Attorney's Office, Financial Litigation Unit, 219 South Dearborn Street, 5th Floor, Chicago, Illinois 60604

(A) Gross wages (minus mandatory contributions to pension/retirement plans)	(A)\$ <u>1764.79</u>
(B) Enter Total FICA, State and Federal Tax, and Medicare	(B)\$ <u>308.58</u>
(C) Disposable Earnings (Net): Subtract Line (B) from Line (A)	(C)\$ <u>1456.21</u>
(D) Enter Twenty Five Percent (25%) of Line (C)	(D)\$ <u>364.05</u>
(E) Enter Ten Percent (10%) of Line (C)	(E)\$ <u>145.62</u>
(F) % of Gross (Divide Line E by Line A)	(F)\$ <u>12%</u>
(G) Current Federal minimum wage per pay period (\$7.25 per hour).	

Using the applicable pay period, enter the appropriate amount:

(G)\$ 217.50

If Defendant is paid every week or less, enter 30 times the minimum wage or \$ 217.50

If Defendant is paid every two weeks, enter 60 times the minimum wage or \$435.00

If Defendant is paid semi-monthly, enter 65 times minimum wage or \$487.50

If Defendant is paid monthly, enter 130 time minimum wage or \$942.50

(H) Subtract Line G from Line C	(H)\$ <u>1238.71</u>
(I) Enter Line D or Line H, whichever is smaller	(I)\$ <u>364.05</u>
(If the smaller amount is zero or less, do not withhold any wages this pay period).	
(J) Enter child support or other court ordered deduction	(J)\$ <u>0</u>
(K) Subtract Line J from Line I.	(K)\$ <u>364.05</u>

LINE K IS THE AMOUNT TO BE WITHHELD FROM EMPLOYEE'S PAYCHECK FROM THE DATE OF SERVICE OF THE CITATION AND NOT DISBURSED UNTIL FURTHER ORDER OF COURT.

4. Are there prior garnishments or other court-ordered withholdings which are presently in effect including, but not limited to, child support and alimony?

Yes No ✓

If the answer is yes, describe below and attach a copy of the garnishment order.

5. Besides wages, does Respondent have custody, control or possession of any property now owed or to be paid in the future, in which Defendant has an interest, including but not limited to, a pension or 401(k), bonus, vacation pay, sick pay, or reimbursement of expenses?

Yes No ✓

If yes, please describe below (continue on additional sheets if necessary):

6. If Defendant has or had a pension or 401(k), please state whether Defendant continues to be entitled to benefits (answer yes or no) and identify the name, address, telephone number and e-mail address of the third-party administrator or trustee.

Yes No

If yes, please describe below (continue on additional sheets if necessary):

7. If you deny that you hold property subject to the judgment of the United States, check one of the following statements:

NPA

Respondent believes the following claim of exemption/election of exemption applies: _____

Respondent has the following objections, defenses, or set-offs to the United States' right to attach and garnish Respondent's indebtedness to Defendant: _____

On the date Respondent was served with the Citation, Respondent was not indebted or under liability to Defendant, and/or Respondent did not have in his/her/its possession or control any wages, income or other property belonging to Defendant, or in which Defendant has an interest and it not liable as a Respondent in this action.

8. The original Answer must be delivered in person or sent by first-class mail to the United States Attorney's Office, Financial Litigation Unit, 219 South Dearborn Street, 5th Floor, Chicago, Illinois 60604.

9. Respondent mailed a copy of this Answer by first-class mail to:

(A) Defendant, Marlon Jackson, at 900 Charles Street, Crete, Illinois 60417

VERIFICATION

Pursuant to 28 U.S.C. § 1746, I verify under penalty of perjury that the foregoing is true and correct.

Executed this 9th of Sept-, 2021.
Day Month

Beryl Howard
(Please sign name)

Beryl Howard
(Please print name)

Please return to: United States Attorney's Office, Financial Litigation Unit, 219 South Dearborn Street, 5th Floor, Chicago, Illinois 60604

856-794-4744

Telephone Number

Please return to: United States Attorney's Office, Financial Litigation Unit, 219 South Dearborn Street, 5th Floor,
Chicago, Illinois 60604